

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ZHANG,

Plaintiff,

-against-

WESELEY, ET AL.,

Defendants.

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC#: \_\_\_\_\_  
DATE FILED: 2/6/2023

**23-cv-00014 (ALC)**

**ORDER**

**ANDREW L. CARTER, JR., United States District Judge:**

Plaintiff Hongwei Zhang (“Plaintiff”) filed a Complaint on January 3, 2023 against Defendants Peter Weseley, M.D., New York Eye and Ear Infirmary of Mount Sinai, New York University’s Langone Eye Center, and New York University’s Grossman School of Medicine (collectively “Defendants”). ECF No. 1.

On January 27, 2023, Plaintiff filed an affidavit of service, explaining that she had served the Defendants by mailing the summons and Complaint via U.S. Postal Service. ECF No. 6. Under Rule 4(c), a summons must be served with a copy of the complaint. The plaintiff is responsible for having the summons and complaint served with the time allowed by Rule 4(m) and must further have the necessary copies to the person who makes service. F.R.C.P. 4(c)(1). “Any person who is at least 18 years old and not a party may serve a summons and complaint.” F.R.C.P. 4(c)(2).

Under Rule 4(e), an individual within a judicial district of the United States may be served by:

- (1) following state law for serving a summons in an action brought in courts of general jurisdiction in the state where the district court is located or where service is made; or (2) doing any of the following: (A) delivering a copy of the summons and of the complaint to the individual personally; (B) leaving a copy of each at the individual’s dwelling or usual place of abode with someone of suitable age and discretion who resides there; or (C) delivering a copy of each to an agent authorized by appointment or by law to receive service of process

F.R.C.P 4(e). Additionally, as to a corporation, partnership, or association within a judicial district of the United States, the Defendant must be served:

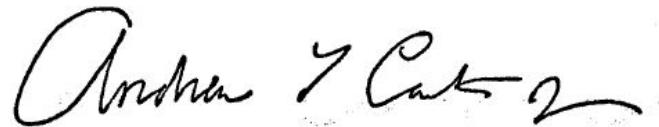
(A) in the manner prescribed by Rule 4(e)(1) for serving an individual; or (B) by delivering a copy of the summons and of the complaint to an officer, a managing or general agent, or any other agent authorized by appointment or by law to receive service of process and—if the agent is one authorized by statute and the statute so requires—by also mailing a copy of each to the defendant.

F.R.C.P. 4(h).

Plaintiff has improperly served the Defendants. The Plaintiff is hereby **ORDERED** to properly effectuate service on the Defendants within 90 days of this Order.

**SO ORDERED.**

Dated: February 6, 2023  
New York, New York



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ANDREW L. CARTER, JR.  
United States District Judge